

REMARKS

This Amendment is filed in response to the Office Action mailed February 19, 2009. In this Amendment, claims 13 and 17 are amended, claim 18 is canceled, claims 1-12 were previously withdrawn, claims 14-17, 19-21 and 24 are unchanged, and claims 25-29 are added. Following entry of this amendment, claims 14-17, and 19-29 shall be pending.

I. WITHDRAWN CLAIMS

The Examiner states, prior to making any rejections, that the office action is in response to a communication dated 11/7/2008, and that claims 1-12 have been cancelled. It is the understanding of the applicant that claims 1-12 were withdrawn, not cancelled. Acknowledgment of the withdrawn status of these claims is respectfully requested.

II. CLAIM REJECTIONS UNDER 35 USC § 102

Claims 13 and 17-21 have been rejected under § 102(a) as being anticipated by US 6,514,264 ("*Nagreiter*"). However, *Nagreiter* fails to anticipate these claims, as amended.

For example, claim 13, as amended, recites separating the endovascular device from the deployment tube without radially expanding the deployment tube by injecting a liquid into the proximal end of the lumen. *Nagreiter* specifically recites radial expansion of a distal tip of its catheter. More specifically, *Nagreiter* states, at column 5, lines 51-53, "...sufficient pressure is developed to expand the walls of the distal tip of the catheter to release the headpiece 122." This is not a trivial distinction. Developing pressure necessarily results in a pressure release. Considering that the embolic coil is being implanted into a delicate aneurysm, it may be undesirable to develop pressure in the distal tip sufficient to expand the walls of the delivery catheter.

Claims 17-21 depend from claim 13, directly or indirectly, and are therefore patentable as depending from a patentable base claim. These claims are patentable for

independent reasons as well. For example, claim 20 recites a purge passage formed in the exterior surface of the coupling element. Conversely, the purge passage 126 of *Nagltreiter* is formed through the interior surface of the headpiece 122. Additionally, claim 21 recites a helical purge passage. The examiner incorrectly refers to lumen 123 as being helical. Lumen 123 is not a purge passage, it is merely the interior of the microcoil. Additionally, lumen 123 is not helical. It is a straight lumen with a convoluted exterior surface formed by the ridges of the microcoil 106.

Claim 18 recited that the retention sleeve is not substantially expanded in the radial direction during the injection step. The Examiner stated that the term "substantially" was interpreted broadly and that though *Nagltreiter* discloses a catheter that radially expands, because permanent deformation does not occur, the expansion is not "substantial". The Applicant has added this limitation to independent claim 13 and removed the term "substantially." The Applicant has also applied this limitation to the deployment tube and amended claim 17 to make it clear that the retention sleeve is considered part of the deployment tube. Claim 18 has thus been canceled.

In light of the amendments and arguments made, it is respectfully submitted that all of the rejections under § 102 have been overcome or traversed. Withdrawal of these rejections is therefore requested.

III. REJECTIONS UNDER 35 USC § 103

The Examiner rejected Claims 14 and 22-24 as being unpatentable over *Nagltreiter* in view of US 6,063,070 ("*Eder*") and claims 15 and 16 over *Nagltreiter* in view of 6,224,609 ("*Ressemen*"). These rejections are noted but have been rendered moot by the amendments and arguments made above. *Eder* and *Ressemen* do not make up for the deficiencies of *Nagltreiter* discussed in section II. As such, withdrawal of these rejections is respectfully requested.

IV. NEW CLAIMS

The Applicant has added new claims 25-29. Like the existing claims, these new claims are patentable over the prior art for numerous reasons. No new matter has been added by these new claims as support for them is found throughout the specification.

CONCLUSION

In view of the foregoing, it is submitted that pending claims 13-29 are now in condition for allowance. Hence, an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: June 18, 2009



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